

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TYLER TOMCZAK, Derivatively on Behalf
of MGT CAPITAL INVESTMENTS, INC.,

Plaintiff,

v.

ROBERT B. LADD, ROBERT HOLMES
and MICHAEL ONGHAI,

Defendants,

and

MGT CAPITAL INVESTMENTS, INC.,

Nominal Defendant.

No. 19-8046

**NOTICE OF PLAINTIFF'S
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL
OF DERIVATIVE SETTLEMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Derivative Settlement; the accompanying Declaration of Thomas J. McKenna and exhibits thereto, including the Stipulation of Settlement by and between the parties named herein (the “Stipulation”); and upon all prior papers and proceedings herein, Plaintiff Tyler Tomczak, in coordination with Arthur Aviles, a plaintiff in a related action captioned *Aviles v. Ladd*, No. 1:13-cv-01700-UNA (D. Del.), will move this Court, before the Honorable Victor Marrero, at the Daniel Patrick Moynihan United States Courthouse, located at 500 Pearl St., New York, NY 10007-1312, on a date and at a time designated by the Court, pursuant to Federal Rule of Civil Procedure 23.1, for entry of the accompanying [Proposed] Order Preliminarily Approving Derivative Settlement And Providing For Notice (the “Preliminary Approval Order”) (a copy of which is attached as Exhibit B to the Stipulation), which will: (i) preliminarily approve the settlement embodied by the Stipulation (the “Settlement”); (ii) approve

the form, substance, and requirements of the proposed form of notice to the shareholders of MGT (the “Notice”); (iii) set a schedule for dissemination of the Notice, submission of papers regarding the Settlement and any related award of attorneys’ fees and expenses, and a hearing on the Settlement; and for such other and further relief as this Court may deem just and proper.

Dated: May 29, 2020

Respectfully submitted,

/s/ Thomas J. McKenna
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